

**AFFIDAVIT IN SUPPORT OF  
AN ARREST WARRANT FOR DAVID SCHADE**

1:20MJ2098

I, David K. Frattare, a Special Investigator with the Ohio Internet Crimes against Children Task Force, being duly sworn, depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. As will be shown, there is probable cause to believe that DAVID MICHAEL SCHADE sexually exploited a child, in violation of 18 U.S.C. §2251(a), and possessed and accessed with intent to view child pornography, in violation of 18 U.S.C. §2252A(a)(5)(B).

2. I have been employed as a Special Investigator with the Cuyahoga County Prosecutors Office and a Special Deputy Sheriff in Cuyahoga County for approximately ten years and am currently assigned to the Ohio Internet Crimes against Children Task Force. While employed by the Cuyahoga County Prosecutors Office, I have assisted in the investigation of federal criminal violations related to Violent Crimes, and I have gained experience through training at the Ohio Peace Officers Training Academy and everyday work related to conducting these types of investigations.

3. As a Task Force Officer having received a Special Deputation from the United States Marshal's Office, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

4. The statements in this Affidavit are based on information provided by Minor Victim #1, reports prepared by Oklahoma law enforcement, the investigation done by the Ohio Internet Crimes Against Children Task Force (ICAC) and Homeland Security Investigations, forensic previews of SCHADE's device(s), information provided by Dropbox Inc to the National Center for Missing and Exploited Children (NCMEC), and Affiant's training and experience. Since this affidavit is being submitted for the limited purpose of establishing probable cause, I have not included every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that David Michael SCHADE committed violations of 18 U.S.C. Sections 2251(a), and 2252A(a)(5)(B).

**STATUTORY AUTHORITY**

5. This investigation concerns alleged violations of Title 18, United States Code, Sections 2251(a), sexual exploitation of children, 2252A(a)(5)(B), and possession and access with intent to view child pornography.

- a. 18 U.S.C. § 2251(a) prohibits a person from using, persuading, inducing, enticing or coercing a minor to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct and the depictions were produced using materials that had been shipped or transported in or affecting interstate or foreign commerce.
- b. 18 U.S.C. § 2252A(a)(5)(B) prohibits a person from knowingly possessing or accessing with the intent to view any visual depiction of minors engaging in sexually explicit conduct when such visual depiction was either mailed or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer.

#### **PROBABLE CAUSE**

6. Snapchat is headquartered in Venice, California, and owns and operates a free access social networking site of the same name that can be accessed at <http://www.snapchat.com>. Snapchat is one of the most popular applications for sending and receiving “self-destructing” messages, pictures, and videos. A “snap” is a picture or video message taken and shared with other Snapchat users in real-time. The sender of a snap has the option of setting a timer for how long a snap can be viewed. Once a snap has been viewed it is deleted from the company’s system and is no longer visible to the recipient. Snapchat users can send text messages to others using the Chat feature. Once a user leaves the chat screen, messages viewed by both the sender and the receiver will no longer be visible. The application notifies other users when they are online so they can begin messaging each other. In addition, Snapchat users can send pictures to other users by utilizing the camera on their device. Pictures can also be sent from the saved pictures in the photo gallery of the device.

7. On April 14, 2020, Affiant was telephonically contacted by Detective Leslie Schmidt with the Greeley Police Department in Greeley, Colorado in reference to a child exploitation investigation involving David M. SCHADE (hereafter “SCHADE”) of Cleveland, Ohio.

8. In or around March 10, 2020, a 13-year-old minor female child in Greeley, Colorado (hereinafter referred to as “Minor Victim #1”), began communicating via Snapchat, an online social networking platform, with a user identified by the Snapchat user name of “XUSMC0317” and the name “Dave S.”

9. From March 10, 2020 until approximately April 6, 2020, Minor Victim #1 continued to engage in online communications via Snapchat, text messaging, more than 155 phone calls or attempted calls, and 9 video calls with the Snapchat user “XUSMC0317.” Minor Victim #1 informed “XUSMC0317” that she was 13 years-old.

10. During these conversations “XUSMC0317” indicated that he was a counselor / therapist who worked with young children. During one of these conversations, Minor Victim #1 alleged that her father had sexually abused her<sup>1</sup>.

11. Upon learning the false information about Minor Victim #1’s father, “XUSMC0317” threatened to call the local police if Minor Victim #1 did not produce images or videos depicting sexually explicit conduct using her mobile device.

12. Minor Victim #1 later told law enforcement that she created two or three images depicting her vagina and a video depicting her penetrating her vagina with a hairbrush at “XUSMC0317’s” request. Minor Victim #1 stated she sent these images and video to “XUSMC0317” using Snapchat to keep him from contacting the local police about the allegations she made about her father.

13. Minor Victim #1 told law enforcement that even after she sent the images and video to “XUSMC0317,” he continued to threaten her and her family to the point of sending her screenshots of her house and threatening to come to Colorado and harm her brother and father. “XUSMC0317” left several Snapchat audio messages informing Minor Victim #1 that based on her allegations, he was contacting the local police and that her father would be going to jail.

14. On April 2, 2020, an anonymous complaint was made to the Weld County, Colorado Child Protective Services hotline alleging the sexual abuse of Minor Victim #1 by her father. David M. SCHADE later confirmed to Greeley Police that he was the anonymous reporting party.

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<sup>1</sup> Minor Victim #1 later reported to law enforcement that her father did not sexually abuse her, it was just something she told “XUSMC0317”.

15. On April 8, 2020, SCHADE of Cleveland, OH telephonically contacted the Greeley Police Department from telephone number (216) 659-0105 and made a similar report regarding Minor Victim #1 and her father. SCHADE indicated that he had been counseling Minor Victim #1 via Snapchat. SCHADE was telephonically interviewed by Greeley Police Detective Leslie Schmidt in reference to the police report made by SCHADE on April 8, 2020. During this telephone interview, SCHADE confirmed again that he had communicated with Minor Victim #1 via Snapchat and provided his physical address as XXXXX Triskett Road, Apartment 6, Cleveland, OH 44111.

16. The Greeley Police eventually obtained Minor Victim #1's mobile devices based on a consent to search and located text threads involving "XUSMC0317" / "Dave S." Also located was the telephone number "(216) 659-0105" and the 30 second video depicting Minor Victim #1 masturbating with a hairbrush. Affiant avers that he has reviewed the video created by Minor Victim #1 and confirmed that it is a 30 second video taken from the point-of-view of a minor female child who is looking down toward her vagina. The child's legs are spread, and she is using her hand to hold a pink hairbrush that she is inserting in and out of her vagina.

17. In addition, Affiant learned that during their online conversations, "XUSMC0317" sent two images to Minor Victim #1, one depicting himself (his face) and the other depicting him and what he alleged was his daughter. Affiant has reviewed these images and knows that they match an Ohio identification card image for SCHADE.

18. On April 23, 2020, he received information from United States Postal Inspector Ian Ortega indicating that Gao Yang and David Schade are receiving mail at XXXXX Triskett Road, Apartment 6, Cleveland, OH 44111. Affiant knows that Schade and Yang were married in 2014 and are the parents of a 5 -year-old female child.

19. In or around April 28, 2020, the Ohio Internet Crimes Against Children Task Force began communicating with SCHADE and his "XUSMC0317" Snapchat username in an undercover capacity as a 15-year-old minor female child. As part of this investigation, SCHADE provided a cell phone number of (216) 659-0105 to the undercover minor child. Affiant has listened to several phone calls between the undercover persona and SCHADE, as well as recorded Snapchat messages from SCHADE to Minor Victim #1 recovered from her cellphone,

and concluded that his voice matches recordings the threatening voice messages sent to Minor Victim #1 in Colorado.

20. Further, Special Agent Jason Guyton of Homeland Security Investigations issued a summons to AT&T / Cricket Wireless for the telephone number 216-659-0105. AT&T indicated that the telephone number was associated with account number 343973730 and listed the financial liable party as David Schade with the addresses of XXXX West 157<sup>th</sup> Street, Cleveland, OH 44135 [redacted] and XXXXX Triskett Road, Apartment 6, Cleveland, OH 44111 [redacted]. AT&T provided payment information for this telephone number indicating the bill was paid by a credit card in the name of SCHADE's wife from November 2019 to February 2020. The AT&T account was recently closed. However, Affiant learned from Homeland Security Investigations in Colorado on April 29, 2020, that a summons was issued to T-Mobile for the telephone number (216) 659-0105, and as of March 1, 2020, the number belonged to T-Mobile and the subscriber is identified as David Chade [sic], XXXXX Triskett Rd, Cleveland, OH 44111-3049 [redacted]. T-Mobile identified the phone model as a "Sam A20 32G BLK TMUS KIT RSU," with an ICCID of 8901260065968906312F and an IMSI of 310260066890631

21. Affiant avers from a 2017 investigation of David SCHADE that a United States Postal Service change of address form was filed on May 10, 2017 forwarding U.S. mail for David and Gao Kalia Schade from XXXX West 157<sup>th</sup> Street, Cleveland, OH 44135 [redacted] to XXXXX Triskett Road, Apartment 6, Cleveland, OH 44111.

22. On April 28, 2020, Affiant conducted surveillance at XXXXX Triskett Road, Apartment 6, Cleveland, OH 44111 and observed an interior wall-mounted mailbox in the vestibule of apartments 1-6 bearing a sticker with the names "Yang/Schade."

23. On April 30, 2020, a federal search warrant for XXXXX Triskett Road, Apartment 6, Cleveland, OH 44111 was authorized by Magistrate Judge William H. Baughman, Jr.

24. On May 1, 2020, a federal search warrant for XXXXX Triskett Road, Apartment 6, Cleveland, OH 44111 was executed by the Ohio Internet Crimes Against Children Task Force and Homeland Security Investigations Cleveland.

25. Affiant avers that he interviewed David SCHADE as part of this search warrant. SCHADE admitted to using the Snapchat username "XUSMC0317," the name Dave S. and the

telephone number 216-659-0105 to engage in online conversations with Minor Victim #1. SCHADE denied asking for nude images or videos from Minor Victim #1 during these conversations.

26. Affiant avers that an on-scene forensic examination of a Motorola XT1921-02 mobile device belonging to SCHADE located seven (7) image files of child pornography. Affiant avers that further forensic examination located a thumbnail image in SCHADE'S photo gallery on his Samsung Galaxy A20 of Minor Victim #1's sexually explicit video that she created and transmitted to SCHADE using Snapchat.

27. [REDACTED]

### CONCLUSION

28. Based on the aforementioned factual information, your affiant respectfully submits that there is probable cause to believe that David Michael SCHADE violated 18 U.S.C. § 2251(a), sexual exploitation of children; and 18 U.S.C. §2252A(a)(5)(B), possession or access with intent to view child pornography. Your affiant, therefore, respectfully requests that the court authorize the Complaint and arrest warrant for David Michael SCHADE.



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David K. Frattare  
Task Force Officer

Sworn to via telephone after submission by reliable electronic means [Fed. R. Crim. P. 4.1] on this 1<sup>st</sup> day of May 2020.



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DAVID RUIZ  
UNITED STATES MAGISTRATE JUDGE